UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 08-10352-MLW
)	
RICHARD SCHWARTZ,)	
Defendant)	

GOVERNMENT'S <u>ASSENTED-TO</u> MOTION PURSUANT TO FED. R. APP. P. 10(e)(1)FOR AN ORDER DIRECTING THAT THE APRIL 18, 2014 PETITION AND AFFIDAVIT FOR WARRANT OR SUMMONS FOR OFFENDER UNDER SUPERVISION AND JULY 30, 2014 VIOLATION REPORT BE MADE PART OF THE RECORD ON APPEAL

Pursuant to Fed. R. App. P.10(e)(2), the government respectfully requests that the Court make part of the record on appeal the April 18, 2014 *Petition and Affidavit for Warrant or Summons for Offender Under Supervision* (Docket No. 124), by unsealing it, and the July 30, 2014 *Violation Report*, by adding it to the record with personal identifying information redacted.

In support of this motion, the government states the following:

- 1. The defendant has appealed this Court's August 4, 2014 Order revoking his supervised release (Appeal No. 14-1868).
- 2. As the parties reviewed the docket sheet in connection with a discussion concerning the contents of a joint appendix, it became clear that the *Petition and Affidavit for Warrant or Summons for Offender Under Supervision*, because it is sealed, and the *Violation Report*, because it has not been added to the record, are not available on PACER.
- 3. Fed. R. App. P.10(e)(2) provides that if "anything material to either party is omitted from . . . the record by error or accident, the omission . . . may be corrected and a supplemental record may be certified and forwarded . . . (B) by the district court before or after

ALWWED.
WOY, DJ
Nov. 4, 2014

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the record has been forwarded."

4. As the petition and report are relevant to the defendant's appeal, they should be

available to the parties, to cite to in their briefs, and to the Court of Appeals.

5. On October 22, 2014, defendant's counsel assented to the relief sought herein.

For these reasons, the defendant respectfully requests that the Court enter an order

making the April 18, 2014 Petition and Affidavit for Warrant or Summons for Offender Under

Supervision and the July 30, 2014 Violation Report (with personal identifying information

redacted) part of the record on appeal.

Respectfully submitted,

CARMEN M. ORTIZ

United States Attorney

/s/ Eugenia M. Carris By:

Eugenia M. Carris

Assistant U.S. Attorney

Dated: October 24, 2014

Certificate of Service

I hereby certify that, on the above date, this document was filed through the ECF system

which sends copies electronically to the registered participants.

/s/ Eugenia M. Carris By:

Eugenia M. Carris

Assistant U.S. Attorney

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